

ADVERSE REPORT

COM. *P.S. L.A.*

DATE *7/11/00*

CHIEF *C.T. Martin*

[Signature]

[Signature]

[Signature]

Entered 5-19-00-sb
CL 00L0300 - GWENDOLYN BURNS

00-R-1024

CLAIM OF: PETRONILA BARNES AND

JAMARI BARNES

Through their attorney

KENNETH S. NUGENT, P.C.

1355 Peachtree Street

Suite 1000

Atlanta, Georgia 30309

For personal injuries alleged to have been sustained
as a result of a slip and fall on or about November 2, 1999,
at 1257 Moreland Avenue, S.E.

THIS ADVERSED REPORT IS
APPROVED

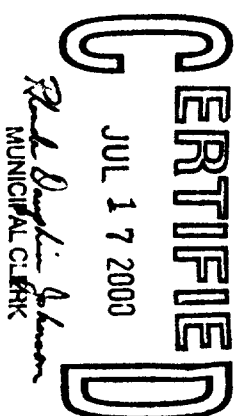
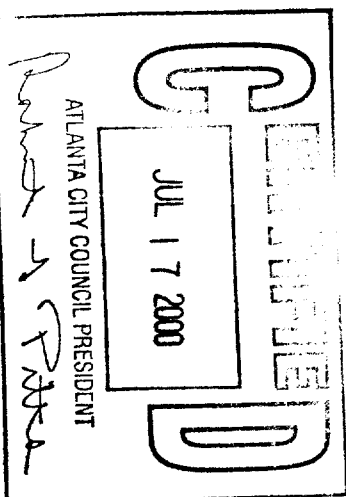
BY:

Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSED BY
CITY COUNCIL JUL 17 2000





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

July 31, 2000

Kenneth S. Nugent
Attorney at Law
1355 Peachtree Street
Suite 1000
Atlanta, GA 30309

00-R-1024

RE: Petronila Barnes & Jamari Barnes

Dear Attorney Nugent:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 17, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0300

Date: June 29, 2000

Claimant /Victim PETRONILA BARNES & JAMARI BARNES
BY: (Atty) (Ins. Co.) Kenneth S. Nugent, P.C.
Address: 1355 Peachtree Street, The Peachtree, Suite 1000, Atlanta, Georgia 30309
Subrogation: Claim for damages \$ Bodily Injury \$ unspecified
Date of Notice: 5/12/00 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 11/2/99 Place: 1257 Moreland Avenue, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Leon Manigault Disciplinary Action: 30-day Suspension

NATURE OF CLAIM: Claimants allege that they sustained bodily injuries when the vehicle in which they were travelling in was struck by a sanitation vehicle. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. Section 36-33-5(b) as the six month statute of limitation expired prior to receipt of the claim.

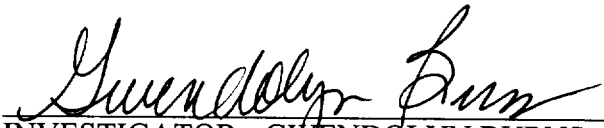
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver X
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice X More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 07-29-00
Committee Action: Council Action

KENNETH S. NUGENT, P.C.
ATTORNEYS AT LAW

1355 PEACHTREE STREET
THE PEACHTREE, SUITE 1000
ATLANTA, GEORGIA 30309
(404) 875-0900
FAX (404) 872-7562

KENNETH S. NUGENT
JOHN T. RUFF
WILLIAM D. HOLMAN *
JOHN C. FORBES, JR.
RUSSELL T. DEUTSCHMAN
ADAM W. DEEVER
TERI D. PODUVAL
BARBARA BARNETT CLARIDGE ♦
WENDY A. HEANEY
M. BRIAN CLEMENTS
MICHAEL G. ORR
AHKIBAH KHAN
GREGORY S. SHURMAN

Get to Law on Claims

May 10, 2000

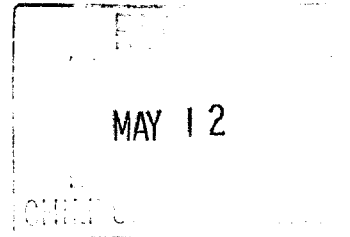
BURNS
05/16/00
Am

OFFICES
THROUGHOUT
GEORGIA

* ALSO ADMITTED IN TENNESSEE
♦ ADMITTED IN ALABAMA

ENTERED - 5-19-00 - SB
00L0300 - GWEN BURNS

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT NO. Z 154 817 269



Chief Executive Officer
City of Atlanta
Suite 4100
City Hall Tower
68 Mitchell Street, S.W.
Atlanta, GA 30335-0332

RE: Our Clients : Petronila Barnes and Jamari Barnes
Date of Accident : 11/2/99
Place of Accident : Moreland Avenue
Time of Accident : 12:30 PM
Our File No. : 216070

Dear Sir or Madam:

Our firm represents the above clients for their personal injuries as they relate to the referenced accident.

A copy of the accident report has been enclosed for your referenced. As you can see, this accident occurred due to the negligence of the City of Atlanta driver.

This notice is forwarded pursuant to the requirements and provisions of O.C.G.A. § 36-33-5.

Both clients sustained back injuries as a result of the accident.

Sincerely,

Kenneth S. Nugent

00- R-1024